UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1397
3 April 2000

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-sixth session

SUMMARY RECORD OF THE 1397th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 March 2000, at 3 p.m.

Chairman: Mr. SHERIFIS

later: Mr. RECHETOV (Vice-Chairman)

later: Mr. SHERIFIS

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GE.00-41190 (E)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Draft concluding observations concerning the fourteenth periodic report of Denmark (CERD/C/56/Misc.30/Rev.2) (continued)

Paragraph 12

1. Mr. RECHETOV proposed deleting paragraph 12.

2. Mr. DIACONU supported Mr. Rechetov's proposal. The level of monthly allowances was a matter for States themselves to decide. In any case, Denmark had withdrawn the measure following complaints.

3. Mr. YUTZIS (Country Rapporteur) said that, bearing in mind the last point made by Mr. Diaconu, he agreed that paragraph 12 should be deleted.

4. Paragraph 12 was deleted.

Paragraph 13

5. Mr. RECHETOV said that paragraph 13 contained important points, but he did not think that the Committee should dictate to legislators how the Criminal Code should be enforced.

6. Mr. BOSSUYT said that although some individuals had certainly been convicted for violating section 266 (b) of the Criminal Code, he was not certain that the Committee had sufficient information to conclude that there had been grave acts of racism, that sanctions had been too light and that judges had not taken all elements properly into account in specific cases. He therefore proposed deleting the words "grave acts of racism have received light sanctions". Furthermore, the word "qualified" should be replaced by "applied".

7. Mr. ABOUL-NASR asked whether the question of light sanctions had been raised with the State party during consideration of its fourteenth periodic report (CERD/C/362/Add.1). As he recalled, the Danish delegation had in fact addressed that issue. If so, the Committee should take note of its reply. Where had the Committee obtained the information contained in paragraph 13?

8. The CHAIRMAN said that Mr. Bossuyt's point was well taken. The Committee could not sit in judgement on the Danish courts.

9. Mr. de GOUTTES also agreed with Mr. Bossuyt. To simplify matters and circumvent the difficulties posed, he suggested deleting the entire first sentence. The last sentence contained the crux of the recommendation.

10. Mr. RECHETOV endorsed the proposal by the previous speaker. The second sentence was more important and should be retained. But he disagreed with Mr. Bossuyt about deleting the phrase "grave acts of racism have received light sanctions"; many examples had been given in the current and previous periodic report of sanctions for racist offences which sometimes amounted to a fine of no more than the equivalent of 5 or 10 days' wages. The phrase should therefore stay.

11. Mr. YUTZIS (Country Rapporteur) said that he was certain that the point contained in paragraph 13 had been made by many sources, including the Council of Europe and the European Union. With a view to achieving a consensus, he suggested deleting the first two lines and starting paragraph 13 with the words: "The Committee remains concerned that grave acts of racism" and so on.

12. Mr. BRYDE said that he agreed that there was a problem with assessing the level of sanctions imposed in a given country, not only because it was not for the Committee to sit in judgement, but also because the enforcement of criminal law differed from one country to the next. Denmark had one of the world's lowest incarceration rate, for which it had been commended in other treaty bodies. Thus, sanctions for crimes of concern to the Committee might also be lighter than elsewhere. But as differences of opinion remained, he suggested the following wording: "Some members of the Committee consider that in application of section 266 (b), grave acts of racism appear to have received light sanctions in some cases."

13. The CHAIRMAN said that the disadvantage of such a wording was that it would not represent the view of the Committee as a whole.

14. Ms. JANUARY-BARDILL proposed replacing "qualified proportionally" by "commensurate".

15. Mr. VALENCIA RODRIGUEZ said that in accordance with articles 4 and 6 of the Convention, the Committee was not empowered to decide whether the sanctions imposed by a State party in response to racist acts were light or not. He therefore suggested deleting the words: "it nevertheless remains concerned that grave acts of racism have received light sanctions". Paragraph 13 would then read: "The Committee notes that some individuals have been convicted for violating section 266 (b) of the Criminal Code and suggests that sanctions decided under the Criminal Code be commensurate with the nature of the related crime". That way, both points which paragraph 13 sought to make would be covered.

16. Mr. BRYDE endorsed the proposal by Mr. Valencia Rodriguez and withdrew his own suggestion.

17. Mr. SHAHI said that he had expressly drawn the attention of the Danish delegation to the light sanctions imposed for such offences, and in particular to what was stated in paragraph 140 of the State party's fourteenth periodic report; the punishments for the nine convictions for violation of section 266 (b) of the Criminal Code really seemed too light. That was borne out by the penultimate example cited in paragraph 140, according to which the Public Prosecutor

himself had appealed a sentence on the grounds that it had been too lenient. He thus thought that paragraph 13 was on solid ground; after all, it did not give any opinion as to what the sanction should have been, but simply said that it should be commensurate with the gravity of the crime.

18. Mr. de GOUTTES said that the Committee could make recommendations solely in respect of legislation; it could not influence the sanctions which Danish judges imposed. He suggested retaining the final sentence only and adding the following words at the beginning: "Concerned that grave acts of racism have received light sanctions, the Committee suggests that the sanctions decided under the Criminal Code be commensurate with" and so on.

19. Mr. YUTZIS (Country Rapporteur) said that the proposal by Mr. Valencia Rodriguez was well balanced. But he did not share the view that the Committee could not take a position on the way in which judges interpreted legislation. In some cases, the Committee was in danger of legitimating barbarous acts in countries where the law was not enforced in accordance with the provisions of the Convention.

20. Mr. ABOUL-NASR said that it seemed that there was a consensus on the proposal by Mr. Valencia Rodriguez. Paragraph 13 should thus be adopted.

21. Paragraph 13, as amended, was adopted.

Paragraph 14

22. Mr. RECHETOV said that the first sentence of paragraph 14 should end with the words "rights listed in article 5"; the subsequent enumeration of those rights should be deleted, because they were self-explanatory. Also, the word "employers" in the fifth line should perhaps read "offices".

23. Mr. BOSSUYT said that he was not happy with the phrase "concerned by the high level of unemployment among foreigners". In a market economy such as Denmark's, it was not for the Government to create jobs, nor was there any obligation under the Convention for a State party to do so.

24. Mr. YUTZIS (Country Rapporteur) said that he was in total disagreement with Mr. Bossuyt. If the government did not provide the conditions for enabling the most vulnerable groups to have access to employment, the market economy would certainly not do so. That was the whole point of paragraph 14.

25. Mr. NOBEL said that he was opposed to Mr. Bossuyt's proposed deletion and referred in that context to article 5 (e) (i) of the Convention, which set out the right to work and related rights. It was the Government's responsibility to guarantee those rights.

26. Mr. DIACONU suggested replacing the words "public employers" by "employment" and "representatives" by "members" in the fifth line.

27. Mr. FALL questioned the need for the reference to the very high level of unemployment among foreigners in Denmark; such a situation was not unique to the State party, but common to many other European countries.

28. Mr. YUTZIS (Country Rapporteur) pointed out that during its dialogue with the Committee the State party had acknowledged the considerable difference in employment opportunities between foreigners and Danish citizens. Moreover, if the problem applied to other European State parties, as Mr. Fall had suggested, he would feel obliged to refer to it in their concluding observations as well.

29. Mr. VALENCIA RODRIGUEZ proposed, in the light of the comments made, that the text could be considerably shortened and amended to read: "The Committee is concerned that equal attention be paid to the economic, social and cultural rights listed in article 5. It is particularly concerned by the level of unemployment among foreigners and the difficult access to public employment by members of ethnic minorities. In particular, the Committee draws the attention of the State party to the fact that, although it is not obliged to provide work permits to foreign residents, it has to guarantee that foreigners who have obtained a work permit are not discriminated against in their access to employment".

30. Ms. JANUARY-BARDILL proposed deleting the word "foreigners" in the second sentence, since in her experience, foreigners and members of ethnic minorities were considered to be one and the same.

31. Mr. ABOUL-NASR disagreed with Ms. January-Bardill; foreigners and members of ethnic minorities were two entirely different concepts.

32. The CHAIRMAN said he would take it that Ms. January-Bardill did not wish to press her proposal, given that several members seemed to be in favour of the amended text proposed by Mr. Valencia-Rodriguez

33. It was so agreed.

34. Paragraph 14, as amended by Mr. Valencia Rodriguez, was adopted.

Paragraph 15

35. Mr. SHAHI proposed that in the first sentence "the effort taken" should be replaced by "effort made".

36. Mr. ABOUL-NASR said that the paragraph required some redrafting since it dealt with several different issues in the same sentence: women belonging to ethnic minorities, measures to reduce unemployment; and integration of members of ethnic minorities in the public administration. It also confused the two distinct concepts of foreigners and members of ethnic minorities.

37. Mr. de GOUTTES proposed that the first part of the paragraph which read: "The Committee takes note of the effort made in favour of women belonging to ethnic minorities"should be transposed to section B, entitled Positive aspects.

38. Mr. DIACONU endorsed that proposal. Furthermore, since paragraph 14 already covered the problem of unemployment and access to public employment, the latter part of paragraph 15 appeared redundant and could therefore be deleted.

39. Mr. YUTZIS (Country Rapporteur) said it was essential to retain the reference to facilitating the professional integration of members of ethnic minorities in the public administration, since it was not mentioned anywhere else in the concluding observations.

40. Mr. DIACONU proposed, on the understanding that the first part of the paragraph would be incorporated in section B, that the remaining text be reworded to read: "The Committee recommends that the State party should facilitate the professional integration of persons belonging to ethnic minorities in the public administration".

41. Paragraph 15, as amended, was adopted.

Paragraph 16

42. Mr. ABOUL-NASR said he felt it was not necessary to express the Committee's concern about the fact that the Convention had not yet been translated into the Greenlandic language, and suggested that the paragraph could be considerably shortened.

43. Following comments by Mr. YUTZIS (Country Rapporteur) and Mr. BOSSUYT, the CHAIRMAN proposed that the paragraph be reworded along the lines of: "The Committee recommends that the State party should take appropriate steps to translate the Convention into the Greenlandic language and disseminate it, as appropriate".

44. Paragraph 16, as amended, was adopted.

Paragraph 17

45. Mr. VALENCIA RODRIGUEZ proposed deleting "and its decisions on individual communications" from the first sentence, since it was not appropriate to refer to procedures under article 14 of the Convention in the text of concluding observations.

46. Mr. NOBEL said that the fact that Denmark had pioneered the organization of seminars to discuss its periodic reports and the Committee's concluding observations should be reflected in the paragraph. He therefore proposed adding the word "even" before "further action to be taken to see that the provisions of the Convention are more widely disseminated".

47. Paragraph 17, as amended, was adopted.

Paragraph 18

48. Mr. DIACONU proposed that the text of the paragraph be aligned with that of the last paragraph in the model concluding observations.

49. Paragraph 18, as amended, was adopted.

New paragraph under Positive aspects

50. The CHAIRMAN recalled that in connection with consideration of paragraph 11 there had been a proposal for a new paragraph welcoming the action taken by the State party in response to the Committee's concern about housing allocated to an elderly, illiterate Iraqi refugee in one of the Danish municipalities. However, no decision had been taken on the matter pending the availability of the relevant documentation. Referring to a statement from the Danish Ministry of the Interior, forwarded to the Committee by the Permanent Mission of Denmark in Geneva on 20 March 2000, he continued that the Danish Immigration Service had decided to adjust its practice with respect to refugees so that in future dependants of refugees would be allocated housing in the same municipalities, irrespective of municipal quotas. The Country Rapporteur was requested to draft an appropriate statement in the light of that information.

51. Mr. de GOUTTES suggested the statement should be drafted to the effect that the Committee welcomed the decision by the Danish Immigration Service to adjust its housing allocation practices with respect to refugees in Danish municipalities.

52. It was so decided.

Paragraph 5

53. Mr. BANTON recalled that no decision had been taken on the paragraph owing to concerns expressed about the statement in the latter part of the paragraph whereby the new act on the Board for Ethnic Equality had been recommended by the Danish Parliament as a means of assisting aliens to return to their countries of origin. He proposed that the somewhat paradoxical statement should be deleted on the grounds that it was a matter of internal politics.

54. Paragraph 5, as amended, was adopted.

55. The draft concluding observations concerning the fourteenth periodic report of Denmark as a whole, as amended, were adopted.

Draft concluding observations concerning the eighth to twelfth periodic reports of Rwanda (CERD/C/56/Misc.38/Rev.2)

Paragraphs 1 to 3

56. Paragraphs 1 to 3 were adopted.

Paragraph 4

57. Mr. ABOUL-NASR sought clarification regarding the purpose of the statement in paragraph 4.

58. Mr. NOBEL (Country Rapporteur) said it was difficult to avoid commenting on past events in Rwanda, which had witnessed one of the worst tragedies of recent history. The statement was intended by way of background information to place the concerns expressed by the Committee in subsequent paragraphs in some historical context.

59. Mr. Rechetov (Vice-Chairman) took the Chair.

60. Mr. ABOUL-NASR said his concern was that many of the problems mentioned in paragraph 4 had not yet been resolved, yet they were referred to as past events. However, he would not press for an amendment.

61. Paragraph 4 was adopted.

Paragraphs 5 to 8

62. Paragraphs 5 to 8 were adopted.

Paragraph 9

63. Mr. DIACONU proposed that an alternative be found for the word "welcome".

64. The CHAIRMAN suggested using the word "receive" instead.

65. Paragraph 9, as amended, was adopted.

Paragraph 10

66. Ms. JANUARY-BARDILL suggested a drafting change to the second sentence.

67. Mr. BANTON proposed the wording "recommends the State party to continue addressing ...".

68. Paragraph 10, as amended, was adopted.

Paragraphs 11 to 17

69. Paragraphs 11 to 17 were adopted.

Paragraph 18

70. Mr. DIACONU said that the first part of the paragraph presented the facts, but did not express any concern or make any recommendations. The expression of concern figured only in the last sentence. To make the text more concise and straightforward, he proposed that the entire beginning of the paragraph be deleted and only the last sentence retained.

71. Mr. de GOUTTES said that the short reference at the beginning of the paragraph to the two decisions previously issued by the Committee should be retained, if not in paragraph 18, then perhaps at the beginning of paragraph 4.

72. Mr. ABOUL-NASR proposed that the references to the Committee's decisions should be kept at the beginning of paragraph 18, and that only the middle part of the paragraph, between the words "the Committee considers that the genocide ..." and "international humanitarian law", should be deleted. It would also be necessary to delete the word "further" from the last sentence.

73. Paragraph 18, as amended, was adopted.

Paragraph 19

74. Mr. DIACONU said that the last sentence did not appear to be linked to the one preceding it, and in any case the subject with which it dealt was unrelated to the Convention. He proposed that it should be deleted.

75. Paragraph 19, as amended, was adopted.

Paragraph 20

76. Mr. ABOUL-NASR asked, in the context of a country such as Rwanda, what sort of action the Committee could expect the Government to take to improve the human rights situation and increase mutual understanding.

77. Mr. NOBEL (Country Rapporteur) recalled that during the oral presentation several impressive examples had been given of education and information campaigns. It would be of interest to the Committee to receive information on further progress made in that regard.

78. The CHAIRMAN, speaking in his personal capacity, said that any steps, even small, would be welcome if they could help improve the human rights situation.

79. Paragraph 20 was adopted.

Paragraphs 21 to 23

80. Paragraphs 21 to 23 were adopted.

Paragraph 24

81. The CHAIRMAN, speaking in his personal capacity, suggested that the word "all" should be deleted.

82. Paragraph 24, as amended, was adopted.

83. The draft concluding observations concerning the eighth to twelfth periodic reports of Rwanda as a whole, as amended, were adopted.

Draft concluding observations concerning the seventh to fourteenth periodic reports of Lesotho (CERD/C/56/Misc.39/Rev.2, future CERD/C/.../Add...)

Paragraph 1

84. Paragraph 1 was adopted.

Paragraph 2

85. Mr. DIACONU proposed that the words "helpful and" be deleted.

86. Paragraph 2, as amended, was adopted.

Paragraphs 3 and 4

87. Paragraphs 3 and 4 were adopted.

Paragraph 5

88. Mr. ABOUL-NASR asked which source had provided the information about the recent incidents to which reference was made in the first sentence. Perhaps the wording should instead be "about recent reports of incidents ...".

89. Ms. McDOUGALL (Country Rapporteur) replied that the information came from the periodic report.

90. Paragraph 5 was adopted.

Paragraph 6

91. Mr. BOSSUYT said that if the Convention was not self-executing, then by definition it could not be directly invoked before the national courts. He proposed that the last part of the paragraph, beginning with the words "in particular", be deleted.

92. Paragraph 6, as amended, was adopted.

93. Mr. SHERIFIS, Chairman, resumed the Chair.

Paragraph 7

94. Mr. VALENCIA RODRIGUEZ proposed that the phrase "on the territory of the State party" be deleted.

95. Paragraph 7, as amended, was adopted.

Paragraph 8

96. Ms. McDOUGALL (Country Rapporteur) said that the last part of the paragraph should read "information about: (a) the ethnic composition of the population and (b) measures taken to implement article 7 of the Convention".

97. Paragraph 8, as amended, was adopted.

Paragraphs 9 to 12

98. Paragraphs 9 to 12 were adopted.

99. The draft concluding observations concerning the seventh to fourteenth periodic reports of Lesotho as a whole, as amended, were adopted.

Draft concluding observations concerning the initial to fifth periodic reports of Bahrain (CERD/C/56/Misc.41/Rev.2, future CERD/C/.../Add...)

100. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that the draft concluding observations incorporated suggestions made by Mr. Diaconu and Mr. Nobel.

101. The CHAIRMAN invited the Committee to consider the draft concluding observations on Bahrain paragraph by paragraph.

Paragraph 1

102. Paragraph 1 was adopted.

Paragraph 2

103. Mr. BANTON said that lines 6 and 7 were incorrect. The report under consideration was the first report received from the State party; it had been nine years since the State party ratified the Convention in 1990. He suggested that the words "since the submission of a report" be replaced by "since Bahrain became a State party to the Convention".

104. Mr. RECHETOV said that although the Committee did note when reports were overdue it was not in the habit of mentioning the date of ratification by a State party and he saw no reason to start with Bahrain.

105. Mr. VALENCIA RODRIGUEZ (Country Rapporteur), supported by the Chairman in his personal capacity, suggested that the words "since the submission of a report" should be replaced by "since the date of ratification".

106. It was so decided.

107. Paragraph 2, as amended, was adopted.

Paragraphs 3 and 4

108. Paragraphs 3 and 4 were adopted.

Paragraph 5

109. Mr. BANTON pointed out that the Committee was not in the habit of mentioning specific United Nations Development Programme (UNDP) Human Development Index ranking in its observations.

110. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that the information was useful, but he would have no objection to deleting the paragraph.

111. Mr. SHAHI noted that the delegation had taken great pleasure in indicating its ranking and he felt there would be no harm in retaining the paragraph, although he had no real objection to deleting it.

112. The CHAIRMAN suggested that paragraph 5 be deleted.

113. It was so decided.

Paragraph 6

114. Paragraph 6 was adopted.

Paragraph 7

115. Mr. BOSSUYT suggested that in line 3 the words "and a majority of the workforce (63 per cent)" should be inserted after "population (38 per cent)".

116. Mr. ABOUL-NASR suggested that in paragraphs 7, 8 and 10, since the Committee was discussing the first report by the State party, rather than speaking of "concern" it would be more appropriate to simply request more information. The only area where "concern" was appropriate was in paragraph 9, where the Committee had a difference of opinion with the report of the State party concerning article 4.

117. The CHAIRMAN agreed that it would be sufficient to request the State party to provide more information in its next periodic report.

118. Mr. SHAHI, supported by Ms. JANUARY-BARDILL said that in line 3, it would be sufficient to simply speak of "Bahrainis", and delete the word "ethnic".

119. The CHAIRMAN, supported by Mr. VALENCIA RODRIGUEZ (Country Rapporteur), suggested that paragraph 7 be redrafted to take into account committee members' suggestions.

120. Paragraph 7, subject to redrafting as agreed, was adopted.

Paragraph 8

121. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) suggested that he redraft paragraph 8 to remove the reference to "concern" and replace it with a request for more information.

122. It was so decided.

Paragraph 9

123. Paragraph 9 was adopted.

Paragraph 10

124. Mr. ABOUL-NASR suggested that "foreigners" were by definition non-Bahrainis and he therefore suggested, supported by the CHAIRMAN and by Mr. BOSSUYT, that in lines 2 and 3 the words "or non-ethnic Bahrainis" be deleted.

125. It was so decided.

126. Paragraph 10, as amended, was adopted.

Paragraph 11

127. Mr. ABOUL-NASR questioned whether it was necessary to include mention of the "Paris Principles" in line 1.

128. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that he believed that Mr. de Gouttes had referred to those principles during discussion of the report. However he was ready to delete the reference and simply have the paragraph read "In light of the principles relating to".

129. Mr. de GOUTTES said that he felt it would be useful to refer to the principles which had been adopted by the General Assembly.

130. The CHAIRMAN suggested that the paragraph should be amended to read "In light of the principles relating to ...".

131. It was so decided.

132. Paragraph 11, as amended, was adopted.

Paragraph 12

133. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that in line 4 the word "society" should be inserted after "civil".

134. Mr. RECHETOV, supported by Ms. ZOU Deci, said that the Committee was not in the habit of requesting States parties to report on the activities of non-governmental organizations within their territory and he saw no compelling reason to do so in the case of Bahrain. He therefore suggested that paragraph 12 be deleted.

135. Mr. PILLAI said that the Committee had received a great deal of information from foreign-based non-governmental organizations, but he would like to have more information from Bahraini organizations, as he had suggested to the delegation, and he would therefore prefer to retain paragraph 12.

136. Mr. NOBEL said that in some cases it was perhaps appropriate to encourage critical review by groups within a State's civil society and to suggest that the State party provide information on the activities of its national non-governmental organizations. He suggested, however, that it might be more appropriate, in line 4, to replace the word "activities" with the words "the role".

137. Mr. SHAHI said that requesting States parties to report on the activities of non-governmental organizations would impose an additional burden on them. Moreover, such organizations often had an adversarial relationship with the government and, perhaps especially in the Third World, it would be unrealistic to expect States parties to provide an unbiased account of their activities. Making such a request in the case of Bahrain would also make it difficult for the Committee not to make the same request of all States parties. He therefore felt it would be more appropriate to delete the paragraph.

138. Mr. FALL felt such a request was most unusual. It was not the Committee's mandate to encourage or create non-governmental organizations, although it welcomed the information they provided. The Government of Bahrain had after all created a Committee for Human Rights and the situation in the country was not especially negative. It was pointless to open a political debate and he therefore believed the paragraph should be deleted.

139. Mr. ABOUL-NASR thought it unnecessary to request the State party to report on the activities of non-governmental organizations. The State had already stated that non-governmental organizations existed; it was one of the more open regimes in that region of the world and should be encouraged and congratulated. It was probably pointless anyway to ask governments to report on NGOs because such organizations often criticized governments, who

would tend to be negative in describing their activities. It was important that the Committee continue to receive information from NGOs, but independently of Governments so that the Committee could make its own judgements.

140. Mr. YUTZIS said that, having listened to the comments by his colleagues, he felt that the paragraph should be deleted.

141. The CHAIRMAN said that in light of the discussion, he took it that the Committee wished to delete paragraph 12.

142. It was so decided.

Paragraphs 13 and 14

143. Paragraphs 13 and 14 were adopted.

Paragraph 15

144. Mr. RECHETOV pointed out that in line 3 the word "all" should be deleted to bring the paragraph into conformity with the Committee's past practice.

145. Paragraph 15, as revised, was adopted.

146. The draft concluding observations concerning the initial, second, third, fourth and fifth periodic reports of Bahrain as a whole, as amended, were adopted.

The meeting rose at 5.55 p.m.

UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1398
3 April 2000

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-sixth session

SUMMARY RECORD OF THE 1398th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 24 March 2000, at 10 a.m.

Chairman: Mr SHERIFIS

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-41195 (EXT)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)
Draft concluding observations by the Committee concerning the tenth to twelfth periodic reports of Australia (CERD/C/56/Misc.42/Rev.2, distributed at the meeting, in English only)

1. Ms. McDOUGALL (Rapporteur for Australia) said that the document under consideration reflected the Committee's discussions and that in drafting it she had taken into account the suggestions of several experts.

2. Mr. ABOUL-NASR, complimenting Ms. McDougall on her draft, which he nevertheless found too long, said that rapporteurs should be more concise when preparing the Committee's concluding observations.

Paragraph 1

3. Paragraph 1 was adopted.

4. Mr. ABOUL-NASR said that the Committee should express its satisfaction with the delegation's oral presentation and its replies to questions by members of the Committee. He therefore proposed adding the words "and of the oral presentation" at the end of the second sentence.

5. Paragraph 2, as amended, was adopted.

Paragraphs 3 to 5

6. Paragraphs 3 to 5 were adopted.

7. Ms. McDOUGALL suggested that the word "any" in the last line should be deleted.

8. Paragraph 6, as amended, was adopted.

Paragraphs 7 and 8

9. Paragraphs 7 and 8 were adopted.

Paragraph 9

10. Mr. DIACONU, putting it to the Committee that Australia had made considerable efforts to resolve its problems of racial discrimination, particularly with regard to the land rights of indigenous Australians, proposed the following wording, which he considered more moderate: "The Committee recommends that the State party provide full information on this issue in the next periodic report."

was therefore important that the Committee should express its commitment to the proper implementation of the Convention relating to the Status of Refugees in Australia too, in the knowledge that asylum-seekers were placed in detention centres in deplorable conditions and that the Convention and UNHCR's "Handbook on Refugee Determination Procedures" covered the treatment of asylum-seekers during the procedure for considering asylum applications.

22. Mr. RECHETOV said that he shared Mr. Nobel's views on the validity of the observation and the Committee's recommendation on the implementation of the Convention relating to the Status of Refugees, particularly as the matter had been discussed with the Australian delegation.

23. He also proposed that the words "fully and without limitations" in the second and third lines should be replaced by the word "faithfully."

24. Paragraph 17, as amended, was adopted.

Paragraph 18

25. Mr. VALENCIA RODRIGUEZ, supported by Mr. ABOUL-NASR, pointed out that the third sentence referred back unnecessarily to questions dealt with in the first two sentences. He proposed that it should be deleted in order to lighten the text.

26. Paragraph 18, as amended, was adopted.

Paragraph 19

27. Paragraph 19 was adopted.

Paragraph 20

28. Mr. RECHETOV said that the word "all" in the second line was unnecessary and proposed that it should be deleted.

29. Paragraph 20, as amended, was adopted.

30. The draft concluding observations by the Committee concerning the tenth to twelfth periodic reports of Australia, as orally amended, were adopted as a whole.

Draft concluding observations by the Committee concerning the initial, and the second to fourth periodic reports of Estonia (CERD/C/56/Misc.40/Rev.2, distributed at the meeting, in English only)

Paragraphs 1 to 5

31. Paragraphs 1 to 5 were adopted.

Paragraph 6

32. Ms. JANUARY-BARRILL proposed that the words "in order to favour" in the second line should be replaced by the words "to encourage."

33. Paragraph 6, as amended, was adopted.

Paragraph 8

34. Paragraph 8 was adopted.

Paragraph 9

35. Mr. ABOUL-NASR said that he failed to understand why, according to the first sentence, only Estonian citizens could be members of national minorities.

36. Mr. RECHETOV proposed that the word "Estonian" should be deleted at the end of the first sentence since it was clear from the context that only Estonian citizens could be considered part of national minorities.

37. Mr. YUTZIS (Rapporteur for Estonia) explained that Estonia was one of the rare countries to have a definition of minorities, which covered Estonian citizens by birth or naturalization and excluded foreigners.

38. Mr. BOSSUYT said that he was not convinced that the interpretation of the concept of "national minorities" as it emerged from the second sentence was in keeping with the Convention, since national minorities belonged to the nation and therefore could not be foreign minorities. It was also at odds with the interpretation given to it by eminent members of the Sub-Commission on the Promotion and Protection of Human Rights.

39. Mr. BRYDE proposed that the full stop after the word "citizens" should be replaced by a comma and the first clause in the second sentence deleted.

40. Mr. DIACONU proposed that only the words "is incompatible with the Convention" should be deleted in the clause in question, since it was not for the Committee to determine whether or not the definition given by the State party to the notion of "national minority" was compatible with the Convention.

41. Mr. BANTON proposed that the second sentence should be restructured to read: "In the light of the significant number of non-nationals and stateless persons residing on the territory of the State party, it believes that such a restrictive and narrow definition may restrict the scope of the State Programme on Integration."

42. Paragraph 9, as amended, was adopted.

Paragraph 10

43. Paragraph 10 was adopted.

Paragraph 11

44. Mr. de GOUTTES proposed that the second sentence of the paragraph should be deleted, since it might cause controversy.

45. Mr. BRYDE said he did not think that the provisions of the Act setting quotas for immigration were in breach of the Convention; similar clauses existed in the legislation of European countries like France and Denmark and had not been criticized by the Committee. He therefore proposed shortening the paragraph to read: "The Committee recommends that the provisions for restricted quotas on immigration be applied without discrimination based on race or ethnic or national origin".

46. Mr. BOSSUYT, speaking in support of the proposals by Mr. de Gouttes and Mr. Bryde, said he thought that it was an exaggeration to say that regional integration policies were in contradiction with the Convention. There was no discrimination in the fact that States granted certain favours under agreements based on the principle of reciprocity. Non-acceptance of immigrants of a particular race by a State party to one of those bilateral agreements could, however, be considered discrimination.

47. Mr. SHAHI said he doubted that the Convention contained any provision whereby the Committee could validly recommend the application of the quota principle in a non-discriminatory form.

48. Mr. NOBEL supported Mr. de Gouttes' proposal, but said that the risk of the development of racist practices under cover of regional integration agreements should not be neglected.

49. Mr. FALL said he was of the same opinion and thought that the question of a conflict between the implementation of regional agreements and the implementation of the Convention would occur increasingly frequently in the future. He therefore suggested that the Committee should discuss the matter at its next session.

50. Mr. ABOUL-NASR said he objected to the opinions expressed by the European members of the Committee, who, in his view, defended the positions of their countries of origin. He was in favour of keeping the paragraph as it stood, with the amendments proposed by the Rapporteur.

51. Mr. YUTZIS said that even if he did not share the views of the members who wished to delete the second sentence, he would accept the amendment so as not to prolong the discussion unnecessarily.

52. The CHAIRMAN said he would take it that the Committee agreed by consensus to delete the second sentence of the paragraph.

53. It was so decided.

54. Paragraph 11, as amended, was adopted.

Paragraphs 12 to 17

55. Paragraphs 12 to 17 were adopted.

Paragraph 18

56. Mr. FALL proposed that the word "all" should be deleted.

Paragraph 18, as amended, was adopted.

57. The draft concluding observations by the Committee concerning the initial and the second to fourth periodic reports of Estonia, as orally amended, were adopted as a whole.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

General discussion

58. The CHAIRMAN asked the secretariat to transmit to the Permanent Mission of Australia to the United Nations Office at Geneva, the groups concerned and the press a first copy of the text of the Committee's concluding observations concerning the tenth to twelfth periodic reports of Australia.

59. It was so decided.

60. Mr. RECHETOV said he appreciated the great importance which Australia attached to its relations with the Committee. He wondered, however, about the validity of the practice of making available to States parties the texts of the draft concluding observations of the Committee concerning their periodic reports. Among other things, he feared that the practice might expose the Committee to pressures which would be undesirable for the serenity of its discussions. He hoped that the decision to transmit immediately to the State party the text of the Committee's draft concluding observations concerning it would not constitute a precedent.

61. The CHAIRMAN said that he himself had proposed to the Bureau that an item on the communication to States parties of the Committee's concluding observations concerning them and the relations between members of the Committee and States parties due to submit a periodic report to the Committee should be included in the agenda of the fifty-seventh session. Under such an agenda item, the Committee would then be required, at that session, to consider the practice whereby some rapporteurs sent a questionnaire to the States parties with which they were concerned requesting additional information on a periodic report prior to its oral consideration. The question had already been raised in the Committee, several of whose members considered that the practice was unfair to States parties to which questionnaires had not been sent. They also felt that there was a need to establish a standard procedure.

62. At its next session, the Committee would in addition be called upon to consider the practice of sending States parties the texts of the Committee's concluding observations on their periodic reports as soon as they were adopted in order to gather any comments and incorporate them in the Committee's annual report to the General Assembly.

63. Mr. NOBEL raised the question of what approach the rapporteurs should take in the interim. He proposed that they should refrain from sending questionnaires to States parties whose reports they might have to consider until the Committee had given a ruling at its August 2000 session.

64. Mr. BANTON recalled that the Committee had already raised the extremely complex issue of sending questionnaires to individual States parties. It had emerged from the discussion that uniformity was desirable but almost impossible to secure, mainly because of the diversity of the situations. Similarly, it was difficult to apply in practice the 30-minute time limit given for each rapporteur to introduce his report. In view of the complexity of those issues, however, the Committee should not open a discussion on the matter at the current stage.

65. Mr. YUTZIS, speaking on a point of order, said that Committee members should wait until the August session to discuss those issues.

66. Mr. SHAHI said that he would like to know meanwhile the maximum time allotted to rapporteurs for introducing their reports.

67. The CHAIRMAN said that, in accordance with the applicable rule, rapporteurs had to introduce their reports as briefly as possible, without exceeding 30 minutes.

68. He proposed that, at the August 2000 session, Committee members should consider the questions of the standardization of questionnaires, the communication of the Committee's conclusions to States parties and the time allotted to rapporteurs.

69. It was so decided.

Draft decision concerning the venue for the fifty-eighth session of the Committee (CERD/C/56/Misc.43, distributed at the meeting, in English only)

70. The CHAIRMAN reminded Committee members that the draft decision under consideration had already been adopted in principle; it was merely a question of polishing the wording before submitting it to the General Assembly.

71. Mr. VALENCIA RODRIGUEZ said he wished to thank the secretariat and the staff members of the Office of the High Commissioner for Human Rights who had helped him to draft the document in English. On reflection, he suggested that the word "financial" at the beginning of the third preambular paragraph should be replaced by the term "programme-budget."

72. Mr. ABOUL-NASR suggested that the word "concerning" in the fourth preambular paragraph should be replaced by the words "informing the Committee of."

73. Mr. de GOUTTES, referring to the first operative paragraph, said he wondered whether it was really necessary to "request" that the Committee's fifty-eighth session be held in New York since that was already an accepted fact. In adopting the decision, which concerned only the holding of the fifty-eighth session at Headquarters, the Committee might give the impression that it was abandoning its intention of holding its fifty-ninth session in South Africa, in conjunction with the World Conference against Racism. There was no question of abandoning the project before all possible sources of funding outside the United Nations regular budget had been explored. The Committee's wish to meet in South Africa in August 2001 should be clearly expressed at the meeting of the Preparatory Committee for the Conference in May 2001.

74. The CHAIRMAN said that was another matter to which he proposed to revert to later. He asked members of the Committee to concentrate for the time being on the text under consideration.

75. Mr. BOSSUYT recalled that the decision to hold the fifty-eighth session at United Nations Headquarters in New York was intended to facilitate the task of developing countries which could not send delegations to Geneva. He therefore proposed to clarify the matter by adding a phrase at the end of the first operative paragraph, along the lines: "in order to give priority to consideration of the reports of States parties which encounter financial or other difficulties with regard to their participation in meetings of the Committee in Geneva".

76. Mr. VALENCIA RODRIGUEZ agreed with the proposal but pointed out that it was a re-statement of what had been said in paragraph 2. Going back to Mr. de Gouttes' comment, he said that the request contained in operative paragraph 1 was useful, since the dates proposed for the fifty-eighth session had changed, and the session was due to be held in January instead of March as originally planned.

77. The CHAIRMAN asked whether the Committee agreed that the text under consideration, as amended by Mr. Valencia Rodriguez, Mr. Aboul-Nasr and Mr. Bossuyt, should be transmitted to the General Assembly as a formal Committee decision.

78. It was so decided.

Venue of the fifty-ninth session of the Committee

79. The CHAIRMAN, returning to the question of the holding of the Committee's fifty-ninth session in South Africa, said that for his part he was intending that day to send the Ambassador of South Africa a letter informing him of the Committee's policy decision to meet in South Africa in August 2001 in conjunction with the World Conference against Racism.

80. As a follow-up to Mr. de Gouttes' suggestion, a similar letter could also be sent to the Chairman of the Preparatory Committee, who should be informed of that policy decision too, if only for purposes of coordination if the project materialized. Since the additional costs entailed by such a move could not be covered from the regular budget of the United Nations, it would also be necessary to consider whether they could be met from the special Conference budget.

81. The CHAIRMAN said that if there was no objection he would take it that the members of the Committee agreed that the letter should be sent.

82. It was so decided.

Draft general recommendation concerning article 6 of the Convention (CERD/C/56/Misc.27, distributed at the meeting, in English only)

83. Mr. BANTON recalled that it was on the occasion of the consideration of an individual communication that the members of the Committee had come to agree on the position expressed in that document. Several members had subsequently felt that it would be useful to reflect it in a draft general recommendation addressed to all States parties.

84. Mr. BOSSUYT said he had no objection concerning the contents of the recommendation but found the wording of paragraph 2, in particular the use of the word "ensure", to be clumsy. Was there not a risk of interference from Governments in the independent functioning of judicial authority? He therefore proposed that the phrase "recommends State parties to ensure" in the first line should be replaced by the word "considers" and that the word "should" should be inserted before the word "operate" in the third line.

85. Mr. BANTON endorsed the proposal.

86. Mr. DIACONU said he thought that Mr. Bossuyt's solution was not the most felicitous. The words "should operate" gave the impression that instructions were being given to courts.

87. The word "presumption" in the third line, moreover, was a poor choice. It had a technical meaning in law and was not appropriate in the context. He therefore proposed that the second paragraph should be amended to read: "The Committee considers that courts and tribunals, when considering possible reparation or satisfaction to victims of racial discrimination, should consider the possibility and the need to offer economic compensation for the injury suffered by the victim."

88. Ms. McDOUGALL pointed out that ethnic groups were not always an "ethnic majority". She therefore proposed that in paragraph 1 the phrase "members of the ethnic majority often underestimate" should be deleted and that the words "is often underestimated" should be added at the end of the paragraph.

89. With reference to paragraph 2, she thought that the problem raised by the two previous speakers could be solved by replacing the word "entails" in the fourth line by the words "may entail."

90. Mr. ABOUL-NASR endorsed Mr. Diaconu's comment. It was not for the Committee, through the States parties, to address recommendations to the courts. Moreover, the Committee made too many general recommendations for his taste.

91. Mr. de GOUTTES said, with reference to paragraph 1, that he supported Ms. McDougall's proposal.

92. With reference to paragraph 2, he supported the proposals by Mr. Bossuyt and Mr. Diaconu to delete the word "presumption."

93. Mr. BANTON said he also accepted Ms. McDougall's proposal concerning paragraph 1. In the case of paragraph 2, he suggested a slight amendment to Mr. Diaconu's proposal: to avoid repetition, the word "considering" in the second line could be replaced by the word "examining." He would also prefer to keep the reference to the "victim's feelings" which appeared in the original text, unless the wording used at the end of paragraph 1 ("the injured party's perception of his own worth and reputation") was repeated in paragraph 2. A third solution would be to say "for the injury to the victim's feelings and reputation."

94. Mr. FALL said that he did not find the words "possibility" and "need" in Mr. Diaconu's proposal very compatible. One or the other should be used.

95. Mr. DIACONU suggested that "need", which was stronger, should be kept.

96. The CHAIRMAN proposed, in view of the lateness of the hour, that consideration of the draft recommendation should be continued at the next meeting.

97. It was so decided.

The meeting rose at 1.05 p.m.

The meeting was called to order at 3.25 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

1. The CHAIRMAN paid tribute to the work of the outgoing rapporteur on issues relating to article 15, Mr. Van Boven, and said that Mr. Bossuyt had agreed to take on that work. If there was no objection, he would take it that the Committee approved.

2. It was so decided.

Proposal for a thematic discussion on the situation of the Roma (CERD/C/56/Misc.26)

3. Mr. BANTON, introducing the report of the Working Group (CERD/C/56/Misc.26), said that the statement referred to in paragraph 3 should initially be publicized on the Office of the United Nations High Commissioner for Human Rights (OHCHR) Web site. A substantial report was expected from the Organization for Security and Cooperation in Europe (OSCE), which had had a contact point in Warsaw on Roma problems for some 12 months. It was likely to be an authoritative one and, as far as the situation in Europe was concerned, very comprehensive.

4. Mr. BOSSUYT said that, if a submission was expected from OSCE, the words "intergovernmental organizations" should be inserted in the last part of the final sentence of paragraph 3 of the report.

5. It was so decided.

6. Mr. RECHETOV suggested that, after the fifty-seventh session, a general recommendation could be made that States parties with Roma populations should take account of the question in their reports.

7. The CHAIRMAN said he took it that the Committee wished to approve the recommendations contained in the report of the Working Group, as amended.

8. It was so decided.

Draft general recommendation concerning article 6 (continued) (CERD/C/56/Misc.27)

9. Mr. BANTON suggested that paragraph 2 of the draft general recommendation should be amended to read as follows:

> "The Committee notifies States parties that in its opinion the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination, which is embodied in article 6 of the Convention, is not necessarily secured solely by the punishment of the perpetrator of the discrimination; at the same time the courts and other competent authorities should consider awarding financial compensation for damage, both material and moral, suffered by a victim whenever appropriate."

10. Mr. FALL suggested that the words "damage, both material and moral" should be replaced by the words "material or moral damage".

11. It was so decided.

12. The draft general recommendation on article 6, as amended, was adopted.

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

13. The CHAIRMAN said that the subject of the World Conference would be dealt with by an open-ended working group, which would discuss the Contact Group's report.

14. Mr. SHAHI asked what status the working group's decisions would have.

15. The CHAIRMAN said that the open-ended working group would have a mandate from the Committee to deal with issues concerning the World Conference. He reminded Committee members that it had been decided that the Contact Group would report to the working group and to the Committee as a whole.

16. Mr. SHAHI said the Contact Group would be stronger and more representative if Mr. Valencia Rodriguez was a member. He therefore wished to propose Mr. Valencia Rodriguez as a member of the Group.

17. Mr. FALL said he had consulted Committee members informally as to whether they wished to reopen the debate on membership of the Contact Group, on which a decision had already been taken. Eight members were against the idea, six were in favour and three had abstained. Clearly, then, the decision should stand.

18. Mr. SHAHI said he was not reopening the debate, merely proposing the name of a respected colleague for membership of the Group. He requested that the matter should be put to a vote.

19. The CHAIRMAN asked whether Mr. Shahi would accept an informal indication of how members felt, in order to avoid a vote.

20. Mr. SHAHI said that the World Conference had taken on enormous importance in view of the denials of the right to life in places like Bosnia, Rwanda and Kosovo and that the prevention of genocide should be the main item on the agenda. However, for various reasons, the Committee had not been able to consider individual Committee members' papers on that subject and they were still pending. The Contact Group had therefore assumed greater importance and there was a feeling that it should reflect the varying points of view in the Committee. He therefore requested the Committee to take a position in a formal vote.

21. Mr. ABOUL-NASR said he hoped the issue would not be a divisive one. The aim was to have an efficient Contact Group. Under its terms of reference, the Group had no right to represent the Committee or act without instructions; its role was simply to contact and report.

The question was not one of geographical distribution but of filling the gap left by Mr. Garvalov, whose departure had left the Contact Group with no one with similar experience of the United Nations or of United Nations conferences. Mr. Valencia Rodriguez would be an admirable replacement.

22. Mr. NOBEL, speaking on a point of order, proposed that the debate on the composition of the Contact Group should not be reopened.

23. Mr. SHAHI said that reopening the debate would mean discussing the whole membership of the Contact Group. He was making a new proposal, that an additional member should join the Group.

24. Mr. FALL said that, since a vote had already been taken, Mr. Shahi's proposal amounted to a reopening of the debate. Under the rules of procedure, a debate could not be reopened without the consent of two thirds of those present and voting. If members were not satisfied with the results of the consultation he had carried out, the Committee should vote on the point of order to decide whether to reopen the debate. That was the strictly legal approach, but in his view the subject had already been thoroughly discussed and the Committee should avoid divisions. Mr. Valencia Rodriguez would be able to make his contributions through the open-ended working group.

25. Mr. SHAHI said that, as far as his proposal was concerned, no decision had been taken. The original suggestion that the Contact Group should have four members had been rejected, but the names had been different. The name he was proposing was a new name and the proposal was therefore a new one.

26. Mr. Nobel's proposal not to reopen the debate was adopted by 8 votes to 1, with 6 abstentions; two members did not participate in the vote.

27. The CHAIRMAN, in reply to a question by Mr. ABOUL-NASR, assured the Committee that the Contact Group's terms of reference would be applied strictly.

CLOSURE OF THE SESSION

28. After an exchange of courtesies, the CHAIRMAN declared the fifty-sixth session closed.

The meeting rose at 4.45 p.m.

UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1400
3 August 2000

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-seventh session

SUMMARY RECORD OF THE 1400th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 31 July 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

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GE.00-43623 (E)

The meeting was called to order at 10.15 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the fifty-seventh session of the Committee on the Elimination of Racial Discrimination. He welcomed Mr. Gaham, Chief of the Support Services Branch, Office of the High Commissioner for Human Rights and invited him to address the Committee.

STATEMENT BY THE CHIEF OF THE SUPPORT SERVICES BRANCH, OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Mr. GAHAM (Chief, Support Services Branch) commended the spirit of flexibility that had been ever-present in the Committee's methods of work and would undoubtedly contribute to the success of the current session.

3. With the recent ratification by Liechtenstein the number of States parties to the Convention had reached 156. Portugal had also made the declaration under article 14 of the Convention, thus bringing to 30 the number of States parties that had made the declaration. Liechtenstein and Bahrain had accepted the amendment to article 8 of the Convention, the 26th and 27th countries respectively to do so.

4. With regard to developments in the Office of the High Commissioner for Human Rights, he said that, as part of the planned two-year programme designed to improve the servicing of the treaty monitoring system, a petition team was to be established to deal with individual procedures under the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of Racial Discrimination. The overall purpose was to monitor recommendations made by treaty bodies, increase efficiency, coordinate work, share legal expertise and develop comparative analyses of treaty body jurisprudence.

5. The twelfth meeting of the chairpersons of the human rights treaty bodies had been held at the beginning of June. The Chairman would certainly provide detailed information on the conclusions and recommendations adopted at that meeting.

6. Turning to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, he said that at its first session in May 2000, attended by two members of the Committee, the Preparatory Committee had decided to establish an inter-sessional working group, which would meet in Geneva in January 2001, to draw up the draft agenda, together with a draft declaration and programme of action. The working group would also review the question of the participation of representatives from the least developed countries in both the Preparatory Committee process and the World Conference itself, and also the matter of broader representation of non-governmental organizations (NGOs). In addition, a cycle of regional expert seminars had begun, the first one having been held in Warsaw in the first week of July on the Protection of Minorities and other Vulnerable Groups and Strengthening Human Rights Capacity at the National Level. Expert seminars were also planned in Bangkok, Addis Ababa and Santiago in the autumn. The seminars would be accompanied by regional preparatory

meetings for the different continents from October 2000 to February 2001. He encouraged the Committee to continue its reflection on its contribution to the preparatory process and the Conference.

7. In connection with the World Conference, at its previous session the Committee had raised the possibility of holding its August 2001 session in South Africa. A request for the estimated cost of holding such a session had been received and forwarded to the South African Government. An estimated additional US$ 250,000 would be required for conference services and the travel expenses of Committee members. A response on the matter was currently being awaited from the South African Government.

8. Referring to a decision taken by the Committee at its previous session, he said that the General Assembly had been requested to allow the Committee to hold its fifty-eighth session in New York. A new statement of financial implications based on the one issued previously was being prepared and would be transmitted to the relevant General Assembly organs for consideration. In theory, the matter should not pose any problems but it was necessary for the Committee to decide whether the statement should be in the form of a report or submitted as an addendum. The only period during which the meeting could take place was from 8 to 26 January 2001.

9. The Committee's agenda for the current session included a thematic discussion on discrimination against Roma. Following the request made, the Secretariat had sent a note verbale to all States parties requesting information on the issue. A summary of the responses received had been prepared and was available to Committee members, together with other materials from intergovernmental and non-governmental organizations (NGOs). Those documents were supplemented by a compilation of references to Roma issues made by the Committee and other United Nations bodies.

10. Concluding his remarks, he wished the Committee success in its work, a task which had been facilitated by the commitment shown by staff during preparatory work for the session, especially with regard to the World Conference.

11. The CHAIRMAN thanked the Chief of the Support Services Branch for the important and substantive information he had provided. It was gratifying to note that progress was being made with regard to the Committee's holding its next session in New York and that the Committee's decision was likely to be implemented in the new year.

12. On the subject of the Committee's August 2001 session, he would circulate to Committee members the reply he had received from the Ambassador of South Africa to his own letter expressing the Committee's wish to hold the session in that country. The letter would be accompanied by the statement of financial implications, which had already been forwarded to the Ambassador.

13. With regard to the proposed two-year programme designed to improve the servicing of the treaty monitoring system, he said that he had received a letter from the United Nations High

Commissioner for Human Rights concerning the latest developments. The mechanism had already been implemented to a large extent and the letter in question would be forwarded to Committee members in due course.

The meeting was suspended at 10.40 a.m. and resumed at 11.20 a.m.

ADOPTION OF THE AGENDA (agenda item 1) (CERD/C/388)

14. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

Proposed programme of work (CERD/C/57/Misc.1)

15. The CHAIRMAN said that the Committee's open-ended working group on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would be convened during the first week of its session, where time permitted. If sufficient time were available, the High Commissioner for Human Rights would also attend a Committee meeting in the first part of the week so as to allow an exchange of views on the World Conference.

16. Mr. ABOUL-NASR asked whether it would not be more advisable to schedule the meeting with the High Commissioner for a later date so as to give Committee members an opportunity for prior discussion.

17. The CHAIRMAN, acknowledging that the point had its merits, said that he believed the scheduling would be tight owing to previous commitments of the High Commissioner. The Committee should therefore try to hold the open-ended working group discussion before the scheduled meeting, if time allowed.

18. Turning to the thematic discussion of discrimination against the Roma, he said that the Bureau proposed the establishment of an open-ended working group, to be convened by Mr. Diaconu, on organizational matters related to that discussion. He took it that there were no objections to the creation of the working group.

19. In 1999 the Committee had established an open-ended working group on communications, composed of Mr. Nobel, Mr. Fall and Mr. Valencia Rodriguez. It was felt that the work of the group could be enhanced by increasing its membership and the Bureau had therefore decided to invite Mr. Shahi and Mr. Bryde to join the working group.

20. Mr. Banton, who was currently absent, had put forward a proposal concerning the withdrawal of obsolete recommendations of the Committee (CERD/C/57/Misc.5). In the absence of Mr. Banton and in order to expedite discussion of that proposal, Mr. de Gouttes was invited to convene an open-ended working group to prepare for a discussion in the Committee once Mr. Banton joined the session. With those comments, he took it that the proposed programme of work was adopted.

21. It was so decided.

Twelfth meeting of persons chairing the human rights treaty bodies

22. The CHAIRMAN said that, as Vice-Chairman of the twelfth meeting, he would be chairing the thirteenth meeting in June 2001. Participants in the meeting had included the Deputy High Commissioner for Human Rights, high-level officials from the Secretariat, various chairpersons of working groups of the Commission on Human Rights, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and, through a video-conferencing arrangement, the United Nations High Commissioner for Human Rights, who had been on mission at the time. Representatives of some of the States parties had taken part as well. He had been pleased to note that the Committee was well respected among all the participants.

23. Differences in the treatment of the members of the various treaty bodies had been a subject of concern. Three of the six treaty bodies provided their experts with a modest honorarium, while the other three did not. The subject had been raised at previous meetings of the chairpersons, but to no avail, as the General Assembly had merely taken note of the situation. The twelfth meeting had therefore addressed a letter to the Secretary-General specifically requesting him to take measures to ensure that the General Assembly would rectify the situation at its forthcoming session.

24. The feeling among the chairpersons had been that the meeting had been somewhat more positive and constructive than previous ones.

25. Mr. ABOUL-NASR remarked that, during his tenure as Chairman, he had seldom felt that the meeting of the chairpersons was a particularly fruitful exercise. It had at best served as a forum for an exchange of views, with few results. The meetings had often run up against the problem of differing mandates for the various treaty bodies, for example concerning the coordination of general statements. What progress had been made in concrete terms with respect to the different entitlements to honorariums?

26. The CHAIRMAN said that the long-standing issue of honorariums had in the past been handled by the Secretariat, which had failed to tackle the problem because of procedural difficulties. It was hoped that the letter to the Secretary-General would result in an acceptable solution.

27. Mr. BOSSUYT, raising the question of the legal basis for the payment of honorariums, said that some conventions specifically provided for such payment but noted that, for example, the International Law Commission created by a resolution of the General Assembly, not by a treaty, nevertheless paid its experts; the fact that there was no provision in a convention for the payment of honorariums should not therefore be an obstacle. He believed there should at least be some analysis of the financial impact of the payment of honorariums and the nature of that payment, whether it be a lump sum or payment per day of meeting, and whether there were variations in amounts paid by various bodies.

28. The CHAIRMAN said that such documentation existed and he would request the Secretariat to distribute any relevant documents to members for their information.

29. Mr. RECHETOV said that he viewed the most important aspects of the meeting of the chairpersons as being the interest expressed in the work of the Committee and the preparations for the World Conference, which should be used to increase the prestige of the Committee. At the regional preparatory meeting held recently in Warsaw, participants had noted in their concluding document that full implementation of the Convention on the Elimination of All Forms of Racial Discrimination would solve discrimination-related problems since the Convention contained unique, specific mechanisms for that purpose and resolution of remaining problems would be possible if civil society brought those mechanisms and the Convention itself to the attention of Governments.

30. The CHAIRMAN agreed that the preparatory process should be used to promote the work of the Committee and further encourage States parties to strengthen implementation of the provisions of the Convention.

31. Mr. de GOUTTES agreed with Mr. Rechetov that much was expected of the Committee. He noted that the plan of action (HRI/MC/2000/4) on strengthening the implementation of certain human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, contained new, concrete proposals which would modify and improve the work of the Committee. It also pointed out (para. 12) that, although the treaty monitoring system was functioning reasonably well, if all States parties in fact submitted reports on time the treaty bodies would be overwhelmed. In the case of the Committee on the Elimination of Racial Discrimination, for example, with 156 States parties reporting in principle every two years, the Committee should theoretically be dealing with 76 reports per year, whereas it currently dealt with approximately 30. Perhaps the Committee should take that into account in its concluding observations when setting relatively short deadlines for States to submit their reports, given the possible effect on the Committee's workload.

32. Ms. RAADI (Representative of the Secretary-General) said that the High Commissioner for Human Rights and the Secretary-General were quite aware of the additional resources that would be required in the event of full implementation by States parties, especially since one of the objectives of the Millennium Assembly was to encourage the universal ratification of international human rights instruments. The General Assembly would be provided with information on the resources required for three different scenarios: the current situation, universal ratification but with current reporting levels, and the "ideal" situation of universal ratification and full implementation of reporting requirements. Member States would be encouraged not only to ensure universal ratification but also to provide the Secretariat with the necessary resources to deal with full implementation.

33. The CHAIRMAN said he took it that the Committee wished to take time to discuss the contents of the report on the twelfth meeting of the chairpersons of the human rights treaty bodies before the next such meeting was held.

34. It was so decided.

35. Mr. SHAHI expressed his concern at the inordinately long delays in receiving expense payments from the administration.

36. Mr. BOSSUYT said he shared Mr. Shahi's concern and noted that in the past all payments had been received before members left Geneva. Furthermore, direct payments to members' bank accounts sometimes created problems with the tax authorities and travel expense payments for the current year seemed much lower than in the past.

37. The CHAIRMAN said that the same issues had been raised at the meeting of the chairpersons who had received assurances that an attempt would be made to resolve the situation. He suggested that the officials who had addressed the meeting should be invited to appear before the Committee to respond to members' concerns.

38. Mr. ABOUL-NASR said that bank payments in foreign currency posed a problem for him in his country and that payment by cheque would be preferable. He recalled that administration officials had appeared before the Committee in the past, yet the same problems continued. He suggested, supported by Mr. RECHETOV, that, rather than take up the Committee's time, the Chairman should first meet with the officials concerned on the Committee's behalf.

39. The CHAIRMAN said he had spoken to those officials, who had promised to consult their superiors with a view to addressing members' concerns and had expressed their willingness to appear before the Committee. While he would be prepared to meet them, he felt that it would be important for them to appear before the Committee. Similar problems were encountered by members of the other treaty bodies.

The meeting rose at 12.20 p.m.